



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

SB3136

Introduced 2/15/2018, by Sen. John J. Cullerton

SYNOPSIS AS INTRODUCED:

20 ILCS 2610/12.5
730 ILCS 5/3-7-2.5

Amends the State Police Act and the Unified Code of Corrections. Provides that any person employed by the Department of State Police or the Department of Corrections who tests positive in accordance with established Departmental drug testing procedures for any substance prohibited by the Cannabis Control Act, the Illinois Controlled Substances Act, or the Methamphetamine Control and Community Protection Act may (rather than shall) be discharged from employment. Provides that refusal to submit to a drug test, ordered in accordance with Departmental procedures, by any person employed by the respective Department may (rather than shall) be construed as a positive test, and the person shall be discharged from employment. Provides the changes made to these provisions shall apply to all pending and future incidents. Effective immediately.

LRB100 20721 RLC 36194 b

1 AN ACT concerning State government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The State Police Act is amended by changing
5 Section 12.5 as follows:

6 (20 ILCS 2610/12.5)

7 Sec. 12.5. Zero tolerance drug policy. Any person employed
8 by the Department of State Police who tests positive in
9 accordance with established Departmental drug testing
10 procedures for any substance prohibited by the Cannabis Control
11 Act, the Illinois Controlled Substances Act, or the
12 Methamphetamine Control and Community Protection Act may ~~shall~~
13 be discharged from employment. Refusal to submit to a drug
14 test, ordered in accordance with Departmental procedures, by
15 any person employed by the Department may ~~shall~~ be construed as
16 a positive test, and the person shall be discharged from
17 employment. The changes made in this Section by this amendatory
18 Act of the 100th General Assembly shall apply to all pending
19 and future incidents under this Section.

20 (Source: P.A. 94-556, eff. 9-11-05.)

21 Section 10. The Unified Code of Corrections is amended by
22 changing Section 3-7-2.5 as follows:

1 (730 ILCS 5/3-7-2.5)

2 Sec. 3-7-2.5. Zero tolerance drug policy.

3 (a) Any person employed by the Department of Corrections
4 who tests positive in accordance with established Departmental
5 drug testing procedures for any substance prohibited by the
6 Cannabis Control Act, the Illinois Controlled Substances Act,
7 or the Methamphetamine Control and Community Protection Act may
8 ~~shall~~ be discharged from employment. Refusal to submit to a
9 drug test, ordered in accordance with Departmental procedures,
10 by any person employed by the Department may ~~shall~~ be construed
11 as a positive test, and the person shall be discharged from
12 employment. The changes made in this Section by this amendatory
13 Act of the 100th General Assembly shall apply to all pending
14 and future incidents under this Section.

15 Testing of employees shall be conducted in accordance with
16 established Departmental drug testing procedures. Changes to
17 established drug testing procedures that are inconsistent with
18 the federal guidelines specified in the Mandatory Guidelines
19 for Federal Workplace Drug Testing Program, 59 FR 29908, or
20 that affect terms and conditions of employment, shall be
21 negotiated with an exclusive bargaining representative in
22 accordance with the Illinois Public Labor Relations Act.

23 (1) All samples used for the purpose of drug testing
24 shall be collected by persons who have at least 15 hours of
25 initial training in the proper collection procedures and at

1 least 8 hours of annual follow-up training. Proof of this
2 training shall be available upon request. In order to
3 ensure that these persons possess the necessary knowledge,
4 skills, and experience to carry out their duties, their
5 training must include guidelines and procedures on
6 maintaining the integrity of the collection process,
7 ensuring the privacy of employees being tested, ensuring
8 the security of the specimen, and avoiding conduct or
9 statements that could be viewed as offensive or
10 inappropriate. Proficiency in the proper collection
11 process must be demonstrated prior to certification.

12 (2) With respect to any bargaining unit employee, the
13 Department shall not initiate discipline of any employee
14 who authorizes the testing of a split urine sample in
15 accordance with established Departmental drug testing
16 procedures until receipt by the Department of the test
17 results from the split urine sample evidencing a positive
18 test for any substance prohibited by the Cannabis Control
19 Act, the Illinois Controlled Substances Act, or the
20 Methamphetamine Control and Community Protection Act.

21 (b) Any employee discharged in accordance with the
22 provisions of subsection (a) shall not be eligible for rehire
23 by the Department.

24 (Source: P.A. 98-757, eff. 7-16-14.)

25 Section 99. Effective date. This Act takes effect upon
26 becoming law.